

Standing Committee Meeting

Wednesday 04.18.2007

Re: Corrections; parole; certain improvements and enforcement of parole guidelines; provide for.

Hello. My name is Caroline Burgess. Thank you for giving me the opportunity to speak today. At the last meeting I attended and spoke at I overheard a Representative say "Well you know no one wants to discuss corrections or be on this committee but someone had to do it..." hearing this made me think of two things 1. A person should always be aware of who can hear them while speaking and 2. Corrections are not receiving the attention it deserves by the correct people.

My interaction with the Michigan Department of Corrections began September 13, 2006. I have learned, through experience, that the system that Michigan officials have created for those who break the law, are prosecuted and sentenced has been created to ensure the future failure of those persons.

The good news is, it is not too late to rewrite the parole policies and guidelines to ensure rehabilitation and reentry to be a successful procedure for the majority of the incarcerated men and women who regain his or her freedom.

What do the crimes: weapons-carrying concealed, weapons- firearms- possession by felon, weapons- felony firearms, controlled substance delivery/manufacturing, narcotics/cocaine 50-224 grams, criminal sexual conduct 3rd degree (persons 13 thru 15), and operating intoxicated/impaired/controlled substance 3rd offense all have in common? In the State of Michigan, when these men were paroled they had (have) nine of the same parole supervision conditions. (Please see Offender Tacking Information System – Offender Profiles attached)

Very different crimes deserve different supervision conditions.

The recidivism rate is something often viewed as a huge disappointment in the State of Michigan. We have committees on top of committees created to help research, study and alter the recidivism rate. We can not expect the 44% recidivism rate to successfully change if we have people of different criminal backgrounds, different lifestyles expected to survive according to the same supervision conditions.

For instance, a sex offender of the third degree has these conflicting supervision conditions:

...."1.0 – No contact with any child

1.1 – Not provide care or live in home w/child 16 or under

1.2 – Responsible adult present if with child 16 or under

For a civilian, I am confused by these supervision conditions and this is only the first three listed! If these conditions are to be a basic “foundation” of a persons way of life, why/how can someone be expected to live by contradicting conditions? Also, another confusing irrelevant condition for this specific sex offender is

1.10 – Submit to polygraph as ordered by parole agent

This may seem insignificant to many, however, many do not realize that polygraph tests are not submissible in a court of law. If something is not considered to have enough validity to uphold within a court of law, how can it hold up in a Parole Office?

Let’s take a moment and remember that the sentences judges’ disperse upon those convicted are to be a punishment for crimes committed. Judges’ max time sentences are set to the standards that the legislature created.

Parole supervision conditions and policies need to be set in place to fit offenders specifically. It is ludicrous to assume that a set standard of policies is appropriate for every offender no matter the crime, level, degree or when the crime was committed. For example, why is it that every offender is obligated to the parole condition that often resides as:

07 – Must not own or possess a firearm

There are many non-violent offenders. The Michigan Department of Corrections views a firearm (summarized as) anything with a trigger including but not limited to squirt guns, water guns, air guns, and BB guns. Due to this policy many men and women have been returned to prison because of a said violation involving a simple toy that children may purchase. If a man or woman has non-violent history why is he/she held to a violent offender’s status?

We also must take an active interest in evaluating those in positions of enforcing parole conditions/supervisions. There are many Parole Office agents that are disheartened due to his or her career choice. It is not a parolee’s responsibility to deal with or handle a disgruntle Parole Officer. Parole Officers that I have dealt with on a personal level definitely need some type of counseling if they are to continue in their career within corrections. When a Parole Officer is filled with discontentment and responds to parolees with this attitude, the parolee feels as if he or she can not complain without retribution.

Parolees’ behavior is often in direct response to the attitude of the parole officer. My fiancé was on parole while he was at home. It was the discontent, harsh judgement, and inappropriate behavior of his parole officer, which deterred his path of recovery, and now he is incarcerated and our home exists within the walls of Macomb Correctional Facility.

Checks and balances of employees that work within the Department of Corrections need to be established. If they are already established they must be enforced. It is very easy to

place blame of the incredibly high recidivism rate on felons. People who have committed and were convicted of felonies are often so shamed within our society they can not even maintain steady employment. Convicted persons who have already served their punishment by being imprisoned are then released to a society that does not welcome them. They are forced to report to persons who only expect the worse from them. They are forced to live by subhuman standards.

In conclusion, I fully support House Bill 4548. The changes the HB proposes are well over due and in desperate need in the Michigan Department of Corrections. The Department of Corrections has been aloof long enough and need to be reminded that whether or not the Parole Board is arbitrary, at the end of the day, this is a democratic nation and the voice of the people will be heard and listened too.

Sincerely,

A handwritten signature in black ink that reads "Caroline Burgess". The script is fluid and cursive, with the first name "Caroline" written in a larger, more prominent hand than the last name "Burgess".

Caroline Burgess
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PRISON SENTENCES			
ACTIVE			
Sentence 1			
Offense:	Controlled Substance-Delivery/Manf., Nar/Coc 50-224 Grams	Minimum Sentence:	5 years 0 months 0 days
MCL#:	333.74012A3	Maximum Sentence:	20 years 0 months
Court File#:	016473	Date of Offense:	04/15/2001
County:	Wayne	Date of Sentence:	01/16/2002
Conviction Type:	Plea		
INACTIVE			
None			
PROBATION SENTENCES			
ACTIVE			
None			
INACTIVE			
None			
SUPERVISION CONDITIONS			
01 - Contact agent no later than first business day after release			
02 - Must not change residence			
2.0 - Not use/possess alcohol/intoxicants or in place served			
2.1 - Complete Sub Abuse Treatment Program as referred by agent			
03 - Must not leave state			
3.5 - Treatment disclosure to parole agent			
04 - Not engage in any behavior that constitutes a violation			
4.4 - Abide by a specified curfew as directed			
4.16 - Obey all court orders			
05 - Comply with alcohol and drug testing ordered by field agent			
5.0 - May not drive without agent consent			
06 - Not associate with anyone you know to have a felony record			
07 - Must not own or possess a firearm			
7.1 - Pay cost of treatment			
08 - Must not own, possess or use any object as a weapon			
09 - Make earnest efforts to find and maintain employment			
10 - Must comply w/special conditions, written and verbal orders			

1.7 - 1,000' from parks/public pool/playground/arcades

1.8 - Must not have child clothing, toys or games

1.9 - Not possess/use photo equipment/photo development equip

1.10 - Submit to polygraph as ordered by parole agent

1.11 - Sex Offender registration, provide address data & ID

1.12 - Not own computer or device capable of connecting to Internet

1.13 - Must not use sex phones numbers or services

1.14 - Must stay away from sex entertainment bars and clubs

02 - Must not change residence

2.0 - Not use/possess alcohol/intoxicants or in place served

2.1 - Complete Sub Abuse Treatment Program as referred by agent

03 - Must not leave state

3.5 - Treatment disclosure to parole agent

3.7 - Complete tether program

04 - Not engage in any behavior that constitutes a violation

4.5 - No contact/or within 500' home/school/employment of (name)

4.15 - Not hitchhike, or pick up hitchhikers

05 - Comply with alcohol and drug testing ordered by field agent

06 - Not associate with anyone you know to have a felony record

07 - Must not own or possess a firearm

7.1 - Pay cost of treatment

08 - Must not own, possess or use any object as a weapon

09 - Make earnest efforts to find and maintain employment

10 - Must comply w/special conditions, written and verbal orders

PRISON SENTENCES**ACTIVE****Sentence 1**

Offense:	Criminal Sexual Conduct, 3rd Deg (Person 13 Thru 15)	Minimum Sentence:	3 years 0 months 0 day
MCL#:	<u>750.520D1A</u>	Maximum Sentence:	15 years 0 months
Court File#:	99-165612-FH	Date of Offense:	01/01/1999
County:	Oakland	Date of Sentence:	12/21/2000
Conviction Type:	Plea		

Sentence 2

Offense:	Criminal Sexual Conduct, 3rd Deg (Person 13 Thru 15)	Minimum Sentence:	3 years 0 months 0 day
MCL#:	<u>750.520D1A</u>	Maximum Sentence:	15 years 0 months
Court File#:	99-165612-FH	Date of Offense:	01/01/1999
County:	Oakland	Date of Sentence:	12/21/2000
Conviction Type:	Plea		

INACTIVE

None

PROBATION SENTENCES**ACTIVE**

None

INACTIVE

None

SUPERVISION CONDITIONS

01 - Contact agent no later than first business day after release

1.0 - No contact with any child

1.1 - Not provide care or live in home w/child 16 or under

1.2 - Responsible adult present if with child 16 or under

1.3 - No romantic relationship with person associated w/ child

1.4 - Not purchase/possess/use sexually stimulating material

1.5 - Treatment program (sex offender) as approved by agent

1.6 - 1,000' from schools and child care centers without approval

ACTIVE**Sentence 1**

Offense:	Operating Intoxicated/Impaired/Controlled Substance - 3rd	Minimum Sentence:	1 year 3 months 0 day
MCL#:	<u>257.6256D</u>	Maximum Sentence:	5 years 0 months
Court File#:	0501790-FH	Date of Offense:	12/09/2004
County:	Kent	Date of Sentence:	09/09/2005
Conviction Type:	Plea		

INACTIVE**None****PROBATION SENTENCES****ACTIVE****None****INACTIVE****Sentence 1**

Offense:	Operating Intoxicated/Impaired/Controlled Substance - 3rd	Minimum Sentence:	
MCL#:	<u>257.6256D</u>	Maximum Sentence:	5 years 0 months
Court File#:	0501790-FH	Date of Offense:	12/09/2004
County:	Kent	Date of Sentence:	06/27/2005
Conviction Type:	Plea	Discharge Date:	09/09/2005
		Discharge Reason:	Probation Violator Tec Violation

SUPERVISION CONDITIONS

01 - Contact agent no later than first business day after release

02 - Must not change residence

2.0 - Not use/possess alcohol/intoxicants or in place served

2.1 - Complete Sub Abuse Treatment Program as referred by agent

03 - Must not leave state

3.4 - Complete Program

04 - Not engage in any behavior that constitutes a violation

4.4 - Abide by a specified curfew as directed

4.16 - Obey all court orders

05 - Comply with alcohol and drug testing ordered by field agent

5.1 - May not drive

06 - Not associate with anyone you know to have a felony record

07 - Must not own or possess a firearm

7.1 - Pay cost of treatment

7.5 - State Costs

08 - Must not own, possess or use any object as a weapon

09 - Make earnest efforts to find and maintain employment

10 - Must comply w/special conditions, written and verbal orders

PRISON SENTENCES**ACTIVE****Sentence 1**

Offense:	Weapons - Carrying Concealed	Minimum Sentence:	1 year 0 months 0 days
MCL#:	<u>750.227</u>	Maximum Sentence:	5 years 0 months
Court File#:	0203429	Date of Offense:	02/12/2002
County:	Wayne	Date of Sentence:	10/24/2002
Conviction Type:	Bench		

Sentence 2

Offense:	Weapons - Firearms - Possession by Felon	Minimum Sentence:	1 year 0 months 0 days
MCL#:	<u>750.224F</u>	Maximum Sentence:	5 years 0 months
Court File#:	0203429	Date of Offense:	02/12/2002
County:	Wayne	Date of Sentence:	10/24/2002
Conviction Type:	Bench		

Sentence 3

Offense:	Weapons - Felony Firearms	Minimum Sentence:	2 years 0 months 0 days
MCL#:	<u>750.227BA</u>	Maximum Sentence:	2 years 0 months
Court File#:	0203429	Date of Offense:	02/12/2002
County:	Wayne	Date of Sentence:	10/24/2002
Conviction Type:	Bench		

INACTIVE**Sentence 1**

Offense:	Weapons - Felony Firearms	Minimum Sentence:	2 years 0 months 0 days
MCL#:	<u>750.227BA</u>	Maximum Sentence:	2 years 0 months
Court File#:	86 75132 FC	Date of Offense:	08/09/1986
County:	Oakland	Date of Sentence:	02/23/1987
Conviction Type:	Plea	Discharge Date:	08/09/1988
		Discharge Reason:	Order Terminated, Conti Additional Order(s)

Sentence 2

Offense:	Weapons - Felony Firearms	Minimum Sentence:	2 years 0 months 0 days
MCL#:	<u>750.227BA</u>	Maximum Sentence:	2 years 0 months
Court File#:	86 75132 FC	Date of Offense:	08/09/1986
County:	Oakland	Date of Sentence:	02/23/1987
Conviction Type:	Plea	Discharge Date:	08/09/1988
			Order Terminated, Conti

		Discharge Reason:	Additional Order(s)
Sentence 3			
Offense:	Robbery Armed	Minimum Sentence:	4 years 0 months 0 days
MCL#:	<u>750.529</u>	Maximum Sentence:	20 years 0 months
Court File#:	86 6366	Date of Offense:	08/08/1986
County:	Wayne	Date of Sentence:	12/23/1986
Conviction Type:	Plea	Discharge Date:	08/28/1999
		Discharge Reason:	Offender Discharge

Sentence 4			
Offense:	Resisting, Obstructing Officer	Minimum Sentence:	1 year 4 months 0 days
MCL#:	<u>750.479</u>	Maximum Sentence:	2 years 0 months
Court File#:	86 75132 FC	Date of Offense:	08/09/1986
County:	Oakland	Date of Sentence:	02/23/1987
Conviction Type:	Plea	Discharge Date:	04/10/1990
		Discharge Reason:	Order Terminated, Conti Additional Order(s)

Sentence 5			
Offense:	Robbery Unarmed	Minimum Sentence:	5 years 0 months 0 days
MCL#:	<u>750.530</u>	Maximum Sentence:	15 years 0 months
Court File#:	86 75132 FC	Date of Offense:	08/09/1986
County:	Oakland	Date of Sentence:	02/23/1987
Conviction Type:	Plea	Discharge Date:	08/28/1999
		Discharge Reason:	Order Terminated, Conti Additional Order(s)

PROBATION SENTENCES**ACTIVE**

None

INACTIVE

None

SUPERVISION CONDITIONS

01 - Contact agent no later than first business day after release

02 - Must not change residence

2.0 - Not use/possess alcohol/intoxicants or in place served

2.1 - Complete Sub Abuse Treatment Program as referred by agent

03 - Must not leave state
04 - Not engage in any behavior that constitutes a violation
4.4 - Abide by a specified curfew as directed
4.5 - No contact/or within 500' home/school/employment of (name)
4.6 - No contact
05 - Comply with alcohol and drug testing ordered by field agent
06 - Not associate with anyone you know to have a felony record
07 - Must not own or possess a firearm
7.1 - Pay cost of treatment
08 - Must not own, possess or use any object as a weapon
09 - Make earnest efforts to find and maintain employment
10 - Must comply w/special conditions, written and verbal orders